

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, Case Nos. 5:15-cr-319-DCN-1
5:15-cr-319-DCN-2
Plaintiff, Cleveland, Ohio
vs. Wednesday, January 18, 2017
10:20 a.m.
LEROY SHUAROD STEELE,
SABRINA M. ROBINSON,
Defendants.

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE DONALD C. NUGENT,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Government: Linda H. Barr
Assistant U.S. Attorney
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For the Defendant Angelo F. Lonardo
Leroy Shuarod Steele: Yelsky & Lonardo
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For the Defendant Kevin M. Spellacy
Sabrina M. Robinson: McGinty, Hilow & Spellacy
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Official Court Reporter: Heidi Blueskye Geizer,
Certified Realtime Reporter
United States District Court
801 West Superior Avenue
Cleveland, OH 44113
216-357-7092

Proceedings recorded by mechanical stenography, transcript
produced by computer-aided transcription.

1 MORNING SESSION, WEDNESDAY, JANUARY 18, 2017 10:20 A.M.

2 THE COURT: All right. We are here in Case
3 Number 15-cr-319, it is titled the United States versus
4 Sabrina Robinson and Leroy -- Leroy, what is your real last
5 name?

6 DEFENDANT STEELE: Leroy Steele.

7 THE COURT: Steele. All right.

8 Will both of you raise your right hand for me?

9 (The defendants are sworn.)

10 THE COURT: All right. Now, in order for me
11 to accept -- go ahead, Leroy, put your hand down. In order
12 for me to accept a guilty plea from either or both of you, I
13 have to be satisfied that you understand what we're doing.
14 So if you don't understand something or if you have a
15 question about what we're doing, I want you to let me know.

16 Is that fair.

17 DEFENDANT STEELE: Yes.

18 DEFENDANT ROBINSON: Yes.

19 THE COURT: I'll start with you, Mr. Steele.
20 You can stay seated. We're making an accommodation to your
21 famous lawyer, Mr. Angelo Lonardo.

22 MR. LONARDO: Thank you, Judge.

23 THE COURT: Usually we have everybody stand
24 up, but since he's under the weather and he's famous, he
25 gets that accommodation from the Court.

1 DEFENDANT STEELE: Yes.

2 THE COURT: And you probably heard of him
3 before he became your lawyer, didn't you?

4 DEFENDANT STEELE: Yeah.

5 THE COURT: Yeah, I think so. You might have
6 seen him on TV or the news.

7 DEFENDANT STEELE: I have seen him before.

8 THE COURT: Very famous lawyer.

9 MR. LONARDO: Thank you, Judge.

10 THE COURT: Leroy, how old are you?

11 DEFENDANT STEELE: I'm 37.

12 THE COURT: Speak up so I can hear you.

13 DEFENDANT STEELE: I'm sorry. 37.

14 THE COURT: How far did you go in school?

15 DEFENDANT STEELE: I have a GED, and I have
16 some college.

17 THE COURT: Are you married or single?

18 DEFENDANT STEELE: Single.

19 THE COURT: Any kids?

20 DEFENDANT STEELE: Yes, three kids.

21 THE COURT: And what kind of work did you do
22 before your arrest?

23 DEFENDANT STEELE: I did real estate,
24 contracting.

25 THE COURT: Have you been in trouble before?

1 DEFENDANT STEELE: Yes, I have, sir.

2 THE COURT: Are you on probation or parole
3 right now for anything?

4 DEFENDANT STEELE: No.

5 THE COURT: Have you ever served time for any
6 offense?

7 DEFENDANT STEELE: Yes.

8 THE COURT: Are you under the influence today
9 of any drug or alcohol?

10 DEFENDANT STEELE: No.

11 THE COURT: Have you taken any medication that
12 would affect your ability to understand what we're doing
13 here today?

14 DEFENDANT STEELE: No.

15 THE COURT: Thank you.

16 Now, Ms. Johnson -- excuse me -- Ms. Robinson, how old
17 are you?

18 DEFENDANT ROBINSON: I'm 36.

19 THE COURT: How far did you go in school?

20 DEFENDANT ROBINSON: I have a GED, and some
21 college experience.

22 THE COURT: Married? Single?

23 DEFENDANT ROBINSON: Um -- I'm single.

24 THE COURT: Any kids?

25 DEFENDANT ROBINSON: I have two, Your Honor.

1 THE COURT: What kind of work did you do
2 before your arrest in this case?

3 DEFENDANT ROBINSON: I worked -- I had a
4 partner for a boutique, and we sold makeup and clothes
5 online.

6 THE COURT: Have you been in trouble before.

7 DEFENDANT ROBINSON: Yes, Your Honor.

8 THE COURT: Are you on probation or parole for
9 anything right now?

10 DEFENDANT ROBINSON: Yes, I was on probation.

11 THE COURT: And where is that probation?

12 DEFENDANT ROBINSON: In Akron, Ohio.

13 THE COURT: You understand that by pleading
14 guilty here it may act as a violation of that probation? If
15 it in fact does, the judge in that case can decide whether
16 to continue you on probation, whether to terminate
17 probation; or if that judge imposes a sentence, any sentence
18 in this case has to be served after that's finished. Do you
19 understand that?

20 DEFENDANT ROBINSON: Yes, Your Honor.

21 THE COURT: Okay. Are you under the influence
22 of any drug or alcohol today?

23 DEFENDANT ROBINSON: No, sir.

24 THE COURT: Have you taken any medication that
25 would affect your ability to understand what we're doing?

1 DEFENDANT ROBINSON: No, Your Honor.

2 THE COURT: Thank you.

3 Now, both of you know that your lawyers have been here
4 many times, and when they've been here they've met with the
5 United States Attorney. And during those meetings Mrs. Barr
6 has explained to your lawyers what evidence she thinks she
7 has against you.

8 You understand that, don't you, Mr. Steele?

9 DEFENDANT STEELE: Yes, Your Honor.

10 THE COURT: Mrs. Robinson?

11 DEFENDANT ROBINSON: Yes, Your Honor.

12 THE COURT: Have each of you been honest with
13 your lawyers? That means have you explained to your lawyers
14 everything that you know about any involvement you may have
15 had in the case? Mr. Steele?

16 DEFENDANT STEELE: Yes, Your Honor.

17 THE COURT: Mrs. Robinson?

18 DEFENDANT ROBINSON: Yes.

19 THE COURT: That means if you had a defense or
20 explanation or excuse for your conduct, have you thoroughly
21 discussed those issues with your lawyers? Mr. Steele?

22 DEFENDANT STEELE: Yes, Your Honor.

23 THE COURT: And Mrs. Robinson?

24 DEFENDANT ROBINSON: Yes, Your Honor.

25 THE COURT: So as you are here in court today,

1 are you both confident you know what the government claimed
2 you did and you know exactly what your involvement in this
3 case was? Mr. Steele?

4 DEFENDANT STEELE: Yes, Your Honor.

5 THE COURT: And Mrs. Robinson?

6 DEFENDANT ROBINSON: Yes, Your Honor.

7 THE COURT: As you know, you're presumed to be
8 innocent. That presumption of innocence stays with you
9 unless you plead guilty here in open court or the government
10 proves your guilt beyond a reasonable doubt.

11 Do you understand that, Mr. Steele?

12 DEFENDANT STEELE: Yes, Your Honor.

13 THE COURT: Mrs. Robinson?

14 DEFENDANT ROBINSON: Yes, Your Honor.

15 THE COURT: You also have a right to be
16 represented by an attorney. That means if you wanted to
17 continue your not guilty plea and go to trial, your
18 respective lawyers would continue to represent you without
19 cost. You understand that, Mr. Steele?

20 DEFENDANT STEELE: Yes, Your Honor.

21 THE COURT: And Mrs. Robinson?

22 DEFENDANT ROBINSON: Yes, Your Honor.

23 THE COURT: In order then for me to accept any
24 guilty plea, I have to be satisfied that you have made the
25 decision to plead guilty.

1 Now, Mr. Steele, this is your decision, isn't it?

2 DEFENDANT STEELE: Yes, Your Honor.

3 THE COURT: Mrs. Robinson?

4 DEFENDANT ROBINSON: Yes, Your Honor.

5 THE COURT: I also have to be satisfied that
6 no one has promised or forced or threatened you in any way
7 to get you to plead guilty.

8 Now, no one has done that, have they, Mr. Steele?

9 DEFENDANT STEELE: No, Your Honor.

10 THE COURT: Mrs. Robinson?

11 DEFENDANT ROBINSON: No, Your Honor.

12 THE COURT: Now, if you enter the guilty pleas
13 outlined here in your written plea agreement, will you be
14 entering those guilty pleas knowingly, voluntarily, and of
15 your own free will? Mr. Steele?

16 DEFENDANT STEELE: Yes.

17 THE COURT: Mrs. Robinson?

18 DEFENDANT ROBINSON: Yes.

19 THE COURT: Now, once you enter a guilty plea,
20 what you're doing is you're making a complete admission as
21 to the truth of the charge you plead guilty to. You then
22 give me the power to enter judgment and impose sentence.

23 Do you understand that, Mr. Steele?

24 DEFENDANT STEELE: Yes.

25 THE COURT: And Ms. Robinson?

1 DEFENDANT ROBINSON: Yes, I do.

2 THE COURT: Now, you also know by pleading
3 guilty you waive or you give up certain constitutional
4 rights that you have, among which are you have a right to
5 have this case tried here by a jury if you want, or under
6 some circumstances you can waive a jury and have a judge try
7 the case.

8 Do you understand that, Mr. Steele?

9 DEFENDANT STEELE: Yes.

10 THE COURT: Miss Robinson?

11 DEFENDANT ROBINSON: Yes.

12 THE COURT: You also have a right known as
13 confrontation. That means you have a right to be here in
14 open court with your lawyers, face to face confront every
15 witness the government calls against you, and have your
16 lawyers cross-examine those people to make sure they testify
17 truthfully.

18 Do you understand that, Mr. Steele?

19 DEFENDANT STEELE: Yes.

20 THE COURT: And Ms. Robinson?

21 DEFENDANT ROBINSON: Yes, Your Honor.

22 THE COURT: You also have a right known as the
23 subpoena power or compulsory process. That means if you
24 thought there were any witnesses or exhibits that you wanted
25 presented on your behalf, you could have the Court order

1 those witnesses to be here and have those exhibits presented
2 on your behalf.

3 Do you understand that, Mr. Steele?

4 DEFENDANT STEELE: Yes.

5 THE COURT: And Ms. Robinson?

6 DEFENDANT ROBINSON: Yes, Your Honor.

7 THE COURT: And as I told you, you are
8 presumed to be innocent. As such, you have the absolute
9 right if you want to require the government to prove your
10 guilt here in open court by evidence beyond a reasonable
11 doubt as to each element of any crime charged against you.

12 Do you understand that, Mr. Steele?

13 DEFENDANT STEELE: Yes.

14 THE COURT: Ms. Robinson?

15 DEFENDANT ROBINSON: Yes.

16 THE COURT: You also may be required to
17 forfeit property if it's related to the offense. Do you
18 understand that, Mr. Steele?

19 DEFENDANT STEELE: Yes.

20 THE COURT: And Ms. Robinson?

21 DEFENDANT ROBINSON: Yes.

22 THE COURT: Finally now, if you decided you
23 wanted to continue your not guilty plea and go to trial and
24 we actually went to trial, you don't have to take the
25 witness stand or testify. So if we went to trial and you

1 decided not to testify, nobody could force you or make you
2 take the witness stand, no one could comment on the fact
3 that you didn't testify, nor could anyone use that against
4 you for any reason whatsoever.

5 Do you understand that, Mr. Steele?

6 DEFENDANT STEELE: Yes.

7 THE COURT: And Ms. Robinson?

8 DEFENDANT ROBINSON: Yes.

9 THE COURT: Do you recognize then by pleading
10 guilty you're waiving or giving these rights up?

11 Mr. Steele.

12 DEFENDANT STEELE: Yes.

13 THE COURT: Ms. Robinson?

14 DEFENDANT ROBINSON: Yes, I do.

15 THE COURT: I looked at your plea agreements
16 and noticed you initialed each page, and signed at the end.

17 Correct, Mr. Steele?

18 DEFENDANT STEELE: Yes.

19 THE COURT: And Mrs. Robinson?

20 DEFENDANT ROBINSON: Yes.

21 THE COURT: I'll ask you to have a seat, and
22 follow along as Mrs. Barr goes over the plea agreements.

23 MS. BARR: Your Honor, I will indicate in
24 cases where the plea agreements are different; otherwise, if
25 I read a paragraph, it applies to both defendants --

1 THE COURT: Thank you.

2 MS. BARR: -- Mr. Steele and Ms. Robinson.

3 First of all, as to Ms. Robinson, pursuant to Rule
4 11(c)(1)(B) of the Federal Rules of Criminal Procedure, and
5 in consideration of the mutual promises set forth below, the
6 United States Attorney's Office for the Northern District of
7 Ohio, hereinafter USAO, by and through its undersigned
8 attorney, and the defendant, Sabrina M. Robinson, also known
9 as Bre, hereinafter defendant, agree as follows:

10 Mr. Steele's plea agreement is different in that it is
11 pursuant to 11(c)(1)(C).

12 Maximum penalties and other consequences of pleading
13 guilty. Waiver of trial rights.

14 Defendant understands that defendant has the right to
15 plead not guilty and go to trial. At trial defendant would
16 be presumed innocent, have the right to trial by jury, or
17 with the consent of the United States to trial by the Court;
18 the right to the assistance of counsel, the right to
19 confront and cross-examine adverse witnesses and subpoena
20 witnesses to testify for the defense, the right to testify
21 and present evidence, and the right to be protected from
22 compelled self-incrimination.

23 Defendant understands that the defendant has the right
24 to an attorney at every stage of the proceedings, and if
25 necessary one will be appointed to represent defendant.

1 Defendant understands that by pleading guilty
2 defendant specifically and voluntarily waives each of these
3 trial rights except the right to counsel.

4 Defendant understands that a guilty plea is a complete
5 admission of guilt, and if the Court accepts the guilty plea
6 the Court will find defendant guilty without a trial.

7 Statutory penalties. Defendant understands that the
8 statutory maximum penalties, and minimum penalties if
9 applicable, for the counts to which defendant agrees to
10 plead guilty are as follows, subject to statutory
11 enhancements, if any, and/or the limited authority to impose
12 a sentence below the statutory mandatory minimum sentence as
13 set forth below. And that paragraph applied to Mr. Steele
14 only.

15 And his two offenses are Count 1, Title 21, United
16 States Code, Section 846, drug conspiracies. Maximum
17 imprisonment 20 years, maximum statutory fine \$1 million.
18 Minimum period of supervised release three years, and a
19 special assessment of \$100.

20 Count 2, Title 21, United States Code, Sections
21 841(a)(1) and (b)(1)(C), distribution of drug resulting in
22 death. Maximum imprisonment is life, minimum imprisonment
23 is 20 years. Maximum statutory fine is \$1 million, minimum
24 period of supervised release is three years, and the special
25 assessment is \$100.

1 For Ms. Robinson, she is pleading to Count 1, drug
2 conspiracies, and the penalties are the same as
3 Mr. Steele's.

4 Special assessment. As set forth above, defendant
5 will be required to pay a mandatory special assessment of
6 \$100 for each count of conviction, for a total of \$100 in
7 Ms. Robinson's case, and \$200 in Mr. Steele's case, due
8 immediately upon sentencing.

9 For Mr. Steele, the minimum sentence must include
10 imprisonment. The sentence for the offense charged in Count
11 2 may not be satisfied by a term of probation and must
12 include some period of imprisonment.

13 Costs. The Court may order defendant to pay the costs
14 of prosecution and sentence, including but not limited to
15 imprisonment, community confinement, home detention,
16 probation, and supervised release.

17 Restitution. The Court may order defendant to pay
18 restitution as a condition of the sentence of probation
19 and/or supervised release.

20 Violation of probation/supervised release. If
21 defendant violates any term or condition of probation or
22 supervised release, such violation could result in a period
23 of incarceration or other additional penalty as imposed by
24 the Court. In some circumstances, the combined term of
25 imprisonment under the initial sentence and additional

1 period of incarceration could exceed the maximum statutory
2 term.

3 Immigration consequences. Defendant understands that
4 a convicted person who is not a United States citizen may be
5 removed from the United States, denied citizenship, and
6 denied admission to the United States in the future.

7 Defendant recognizes that pleading guilty may have negative
8 consequences with respect to defendant's immigration status
9 if defendant is not a citizen of the United States.

10 Pleas and other charges. For Mr. Steele, defendant
11 agrees to plead guilty to the superseding indictment in this
12 case. The charges in Counts 1 and 2 of the original
13 indictment will be dismissed at the time of sentencing as to
14 this defendant.

15 That is the same as to Ms. Robinson; however, she is
16 just agreeing to plead guilty to Count 1, in which she is
17 charged.

18 Agreement not to bring certain other charges. The
19 USAO will not bring any other criminal charges against
20 defendant for violations known to the USAO on the date of
21 the execution of this agreement as it relates to this
22 investigation.

23 Elements of the offense. Ms. Robinson is charged only
24 with drug conspiracies, and then I will include the drug
25 delivery resulting in death for Mr. Steele in addition to

1 the drug conspiracies.

2 Title 21, United States Code, Section 846, drug
3 conspiracies. First, that two or more persons conspired or
4 agreed to violate federal drug laws; and two, defendant
5 knowingly and voluntarily joined the conspiracy.

6 For Mr. Steele, it's Title 21, United States Code,
7 Section 841(a)(1) and (b)(1)(C), drug delivery resulting in
8 death. One, the defendant knowingly and intentionally
9 distributed a controlled substance; two, defendant knew that
10 the substance was intended for human consumption; and three,
11 death resulted to an individual from the use of such
12 substance.

13 Sentencing stipulations and agreements. Defendant
14 understands that sentencing rests within the discretion of
15 the Court, that federal sentencing law requires the Court to
16 impose a sentence which is sufficient but not greater than
17 necessary to comply with the purposes of 18, U.S.C., Section
18 3553(a), and that the Court must consider, among other
19 factors, the advisory United States Sentencing Guidelines in
20 effect at the time of sentencing, and that in determining
21 the sentence the Court may depart or vary from the advisory
22 guideline range.

23 Presentence report. Defendant understands that the
24 advisory guideline range will be determined by the Court at
25 the time of sentencing after a presentence report has been

1 prepared by the U.S. Probation Office and reviewed by the
2 parties. Defendant further understands that the USAO may
3 provide to the U.S. Probation Office all known information
4 regarding defendant's conduct, subject to its limited use
5 under United States Sentencing Guidelines Section 1B1.8, and
6 except as protected under the proffer agreement, if any.

7 Paragraph 14 is as to Mr. Steele. Agreement to a
8 specific sentence. Pursuant to Rule 11(c)(1)(C), and after
9 considering the factors in 18, U.S.C., Section 3553(a), the
10 parties agree that the appropriate disposition of this case
11 is for defendant to receive a sentence that includes a
12 specific sentence of 240 months or 20 years of imprisonment.

13 Defendant understands that the Court may accept this
14 plea agreement, reject it, or defer a decision until the
15 Court has reviewed the presentence report. If the Court
16 rejects the plea agreement, Rule 11(c)(5) will require the
17 Court to inform the parties that the Court rejects the plea
18 agreement, give defendant an opportunity to withdraw the
19 plea, and advise defendant that if the plea is not withdrawn
20 the Court may dispose of the case less favorably toward the
21 defendant than the plea agreement contemplates.

22 For Ms. Robinson, there is a joint recommendation to
23 use the advisory sentencing guideline computations after
24 considering the factors in 18, U.S.C., 3553(a). The parties
25 agree to recommend that the Court impose a sentence within

1 the range and of the kind specified pursuant to the advisory
2 sentencing guidelines in accordance with the computations
3 and stipulations set forth below.

4 Neither party will recommend or suggest in any way
5 that a departure or variance is appropriate, either
6 regarding the sentencing range or regarding the kind of
7 sentence, other than a departure for substantial assistance,
8 as set forth in this agreement.

9 Allocution. Defendant understands and agrees that the
10 United States Attorney's Office reserves the opportunity to
11 speak at defendant's sentencing. The USAO agrees that the
12 defendant reserves the right of allocution at sentencing.

13 For Ms. Robinson: Sentencing recommendations are not
14 binding on the Court. The defendant understands that the
15 recommendations of the parties will not be binding upon the
16 Court, that the Court alone will decide the advisory
17 guideline range under the sentencing guidelines, whether
18 there is any basis to depart from that range or impose a
19 sentence outside the advisory guideline range, and what
20 sentence to impose.

21 Defendant further understands that once the Court has
22 accepted defendant's guilty plea defendant will not have the
23 right to withdraw such a plea if the Court does not accept
24 any sentencing recommendations made on defendant's behalf,
25 or if defendant is otherwise dissatisfied with the sentence.

1 Stipulated guideline computations, paragraph 16. The
2 parties agree that the following calculation using the
3 current advisory sentencing guidelines manual represents the
4 correct computation of the applicable offense level.

5 First, as to Ms. Robinson, for the offense of drug
6 conspiracies, a base offense level of less than 400 grams of
7 fentanyl is a 28, pursuant to sentencing guideline
8 2D1.1(c)(6). She is a career offender, so that increases it
9 by one level to a 29 pursuant to Section 4B1.1(b)(4). The
10 total offense level before acceptance of responsibility
11 therefore is a 29.

12 Unless otherwise agreed to below, the parties agree no
13 other specific offense characteristics, guideline
14 adjustments, or guideline departures apply.

15 For Mr. Steele, Count 1, the drug conspiracy, the base
16 offense level is less than 400 grams of fentanyl, for a
17 level 28 according to Section 2D1.1(c)(6). The subtotal
18 therefore is 28. However, Count 2 is a distribution of drug
19 resulting in death, and the mandatory minimum sentence is 20
20 years.

21 Unless otherwise agreed to below, the parties agree no
22 other specific offense characteristics, guideline
23 adjustments, or guideline departures apply.

24 Acceptance of responsibility. The United States
25 Attorney's office has no reason to believe at this time that

1 defendant has not clearly and affirmatively accepted
2 personal responsibility for defendant's criminal conduct.

3 The USAO agrees to recommend a three-level reduction
4 for acceptance of responsibility under United States
5 Sentencing Guideline 3E1.1(a) and (b), provided defendant's
6 conduct continues to reflect defendant's acceptance of
7 responsibility. Defendant understands it will be up to the
8 Court at the time of sentencing to determine whether a
9 reduction for acceptance of responsibility is appropriate.

10 Criminal history category. The parties have no
11 agreement about the criminal history category applicable in
12 this case. Defendant understands that the criminal history
13 category will be determined by the Court after the
14 completion of a presentence investigation by the U.S.
15 Probation Office.

16 Defendant understands that if the defendant is found
17 to be a career offender, defendant's criminal history
18 category will automatically be Category VI. And that is
19 applicable to both defendants.

20 Waiver of appeal and post-conviction attack.
21 Defendant acknowledges having been advised by counsel of
22 defendant's rights in limited circumstances to appeal the
23 conviction or sentence in this case, including the appeal
24 rights conferred by 18, U.S.C., Section 3742, and to
25 challenge the conviction or sentence collaterally through a

1 post-conviction proceeding, including a proceeding under 28,
2 U.S.C., Section 2255. Defendant expressly and voluntarily
3 waives those rights, except as specifically reserved below.
4 Defendant reserves the right to appeal, A, any punishment in
5 excess of the statutory maximum; or B, any sentence to the
6 extent it exceeds the maximum of the sentencing imprisonment
7 range determined under the advisory sentencing guidelines in
8 accordance with the sentencing stipulations and computations
9 in this agreement, using the criminal history category found
10 applicable by the Court.

11 Nothing in this paragraph shall act as a bar to
12 defendant perfecting any legal remedies defendant may
13 otherwise have on appeal or collateral attack with respect
14 to claims of ineffective assistance of counsel or
15 prosecutorial misconduct.

16 Waiver of statute of limitations. Defendant waives
17 all defenses based on the statute of limitations with
18 respect to any prosecution that is not already time barred
19 by the applicable statute of limitation on the date of
20 defendant's signing of this agreement and that is commenced
21 within one year after any of the following events: One,
22 defendant fails to plead guilty at the plea proceeding or
23 the Court refuses to accept a guilty plea by defendant
24 pursuant to this agreement, the Court permits defendant to
25 withdraw a guilty plea entered pursuant to this agreement or

1 otherwise vacates such a guilty plea, or three, the
2 conviction obtained pursuant to this agreement is vacated,
3 overturned, or otherwise set aside.

4 Defendant understands the waiver of the statute of
5 limitations is effective immediately upon defendant's
6 signing of this agreement and is not conditioned upon the
7 approval of this agreement by the Court.

8 Factual basis and relevant conduct. Defendant agrees
9 that the following summary fairly and accurately sets forth
10 defendant's offense conduct and a factual basis for the
11 guilty plea. Defendant further agrees that the facts set
12 forth in the summary are true and could be established
13 beyond a reasonable doubt if the case were to proceed to
14 trial.

15 As to Mr. Steele, from at least as early as March 2015
16 to in or about April 2015, the exact dates unknown, in the
17 Northern District of Ohio, Eastern Division, and elsewhere,
18 defendant Leroy Shuarod Steele, also known as Leroy Sean
19 Steele, also known as Shrawn, also known as Sean; Sabrina M.
20 Robinson, also known as Bre; Ryan K. Sumlin, also known as
21 T.J., and diverse others known and unknown, did knowingly
22 and intentionally combine, conspire, confederate, and agree
23 together and with each other to distribute and to possess
24 with intent to distribute a mixture or substance containing
25 a detectable amount of fentanyl, a Schedule II controlled

1 substance, and acetyl fentanyl, a Schedule I controlled
2 substance analogue.

3 It was a part of the conspiracy that on numerous
4 occasions during a period beginning in at least as early as
5 March 2015 to in or about April of 2015, defendant obtained
6 fentanyl and acetyl fentanyl from suppliers in China.

7 It was further a part of the conspiracy that Sabrina
8 M. Robinson assisted defendant in distributing fentanyl and
9 acetyl fentanyl to various individuals in Akron, Fairlawn,
10 and other areas in the Northern District of Ohio.

11 It was further a part of the conspiracy that defendant
12 and Sabrina M. Robinson supplied Ryan K. Sumlin with
13 fentanyl for redistribution in Akron and other areas in the
14 Northern District of Ohio.

15 In addition, on or about March 21, 2015, in the
16 Northern District of Ohio, Eastern Division, defendant did
17 unlawfully, knowingly, and intentionally distribute a
18 quantity of a mixture or substance containing a detectable
19 amount of acetyl fentanyl, a Schedule I controlled substance
20 analogue as defined in Title 21, United States Code, Section
21 802(32), knowing that the substance was intended for human
22 consumption, and the death of T.R. resulted from the use of
23 such substance.

24 Defendant acknowledges that the above summary of
25 defendant's conduct does not set forth each and every fact

1 that the USAO could prove at trial, nor does it encompass
2 all of the acts which defendant committed in furtherance of
3 the offenses to which defendant is pleading guilty.

4 As to Sabrina Robinson, from at least as early as
5 March 2015 to in or about April 2015, the exact dates
6 unknown, in the Northern District of Ohio, Eastern Division
7 and elsewhere, Leroy Shuarod Steele, also known as Leroy
8 Sean Steele, also known as Shrawn, also known as Sean;
9 defendant Sabrina M. Robinson, also known as Bre; Ryan K.
10 Sumlin, also known as T.J., and diverse others known and
11 unknown, did knowingly and intentionally combine, conspire,
12 and confederate, and agree together and with each other, to
13 distribute and to possess with intent to distribute a
14 mixture or substance containing a detectable amount of
15 fentanyl, a Schedule II controlled substance, and acetyl
16 fentanyl, a Schedule I controlled substance analogue.

17 It was part of the conspiracy that on numerous
18 occasions during a period beginning at least as early as
19 March 2015 to in or about April of 2015, defendant obtained
20 fentanyl and acetyl fentanyl from suppliers in China.

21 It was further a part of the conspiracy that the
22 defendant assisted Steele in distributing fentanyl and
23 acetyl fentanyl to various individuals in Akron, Fairlawn,
24 and other areas in the Northern District of Ohio.

25 It was further part of the conspiracy the defendant

1 and Steele supplied Ryan K. Sumlin with fentanyl for
2 redistribution in Akron and other areas in the Northern
3 District of Ohio.

4 Defendant acknowledges that the above summary of
5 defendant's conduct does not set forth each and every fact
6 that the USAO could prove at trial, nor does it encompass
7 all of the acts which defendant committed in furtherance of
8 the offense to which defendant is pleading guilty.

9 Other provisions, and these will be the same for both
10 defendants. Defendant agrees upon request to submit to the
11 USAO prior to the date of sentencing a complete and accurate
12 financial statement on a financial statement of debtor form
13 to be provided by the USAO.

14 This agreement is silent about all aspects of the
15 determination of sentence not expressly advised herein, and
16 the parties are free to advise the Court of facts and to
17 make recommendations to the Court with respect to all
18 aspects of sentencing not agreed to herein.

19 Defendant understands that if defendant breaches any
20 promise in this agreement, commits additional crimes,
21 obstructs justice, attempts to withdraw defendant's guilty
22 plea, or if defendant's guilty plea is rejected by the Court
23 or is vacated or set aside, the USAO will be released from
24 all of its obligations under this agreement and may
25 institute or maintain any challenges and make any

1 recommendations with respect to sentencing that otherwise
2 would be prohibited under the terms of the agreement.

3 Defendant understands, however, that a breach of the
4 agreement by defendant will not entitle defendant to
5 withdraw, vacate, or set aside defendant's guilty plea or
6 conviction.

7 Defendant understands that this plea agreement is
8 binding only on the United States Attorney's Office for the
9 Northern District of Ohio. It does not bind any other
10 United States Attorney, any other federal agency, or any
11 state or local government.

12 Defendant makes the following truthful statements: I
13 have discussed this case and this plea agreement in detail
14 with my attorney, who has advised me of my constitutional or
15 other trial and appeal rights, the nature of the charges,
16 the elements of the offenses the United States would have to
17 prove at trial, the evidence the United States would present
18 at such trial, possible defenses, the advisory sentencing
19 guidelines and other aspects of sentencing, the potential
20 losses of civil rights and privileges, and other potential
21 consequences of pleading guilty in this case.

22 I have had sufficient time and opportunity to discuss
23 all aspects of the case in detail with my attorney and have
24 told my attorney everything I know about the charges, any
25 defenses I may have to the charges, and all personal and

1 financial circumstances in possible mitigation of sentence.

2 I am satisfied with the legal services and the advice
3 provided to me by my attorney.

4 Defendant and defendant's undersigned attorney state,
5 this agreement, including any addendums discussed in open
6 court and on the record at the time of the change of plea,
7 if any, is the entire agreement between defendant and the
8 USAO, and that no other promises or inducements have been
9 made directly or indirectly by any agent or representative
10 of the United States Government concerning any plea to be
11 entered in this case.

12 In particular, no promises or agreements have been
13 made with respect to any actual or prospective civil or
14 administrative proceedings or actions involving defendant,
15 except as expressly stated herein.

16 In addition, defendant states that no person has
17 threatened or coerced defendant to do or refrain from doing
18 anything in connection with this case, including defendant's
19 decision to enter a guilty plea.

20 Finally, defendant acknowledges that this agreement
21 cannot be modified unless in writing, and is subject to
22 approval by the Court.

23 And both defendants have signed the plea agreement,
24 under signatures indicating they have read or had read to
25 them the entire plea agreement and discussed it, they have

1 initialed each page of the agreement to signify they
2 understand and approve the provisions on that page, and that
3 they are entering this agreement voluntarily and of their
4 own free will. No threats have been made to them, nor are
5 they under the influence of anything that could impair their
6 ability to understand this agreement.

7 It is also signed by each of their respective
8 attorneys, myself, and has been submitted to the Court for
9 its approval.

10 As to Ms. Robinson, there is a cooperation addendum.
11 Defendant agrees to cooperate fully --

12 THE COURT: Miss Robinson -- we don't need to
13 read the addendum -- you understand it, and you are bound by
14 it.

15 DEFENDANT ROBINSON: Yes.

16 THE COURT: And you, too, Ms. Barr.

17 MS. BARR: Yes, Your Honor.

18 THE COURT: Great. Thank you.

19 MR. SPELLACY: Judge, can we have that
20 separated from the agreement, under seal?

21 THE COURT: Sure.

22 MR. SPELLACY: Thank you.

23 THE COURT: Okay. Mr. Steele and Ms.
24 Robinson, you have had a chance to follow along as Ms. Barr
25 read the entire plea agreement. Is that your complete

1 understanding of the plea agreement, Mr. Steele?

2 DEFENDANT STEELE: Yes.

3 THE COURT: Ms. Robinson?

4 DEFENDANT ROBINSON: Yes, Your Honor.

5 THE COURT: Do either of you have any
6 questions about what we're doing, or is there anything that
7 you don't understand about the case --

8 DEFENDANT STEELE: No, Your Honor.

9 THE COURT: -- Mr. Steele? Ms. Robinson?

10 DEFENDANT ROBINSON: No, Your Honor.

11 THE COURT: All right. I'll ask you how you
12 plead to the charge that says, from at least as early as
13 March 2015 to in or about April 2015, the exact dates
14 unknown to the Grand Jury, in the Northern District of Ohio,
15 Eastern Division, and elsewhere, that you, Mr. Steele and
16 Ms. Robinson, along with Mr. Sumlin, and diverse others
17 known and unknown to the Grand Jury, did knowingly and
18 intentionally combine, conspire, and confederate and agree
19 together and with each other to distribute and to possess
20 with the intent to distribute a mixture or substance
21 containing a detectable amount of fentanyl, a Schedule I
22 controlled substance, and fentanyl -- what is it?

23 MS. BARR: Acetyl fentanyl.

24 THE COURT: -- fentanyl acetyl analogue, a
25 Schedule I controlled substance analogue, as defined in

1 Title 21, U.S. Code, Section 802(32), in violation of Title
2 21, U.S. Code, Sections 841(a)(1) and (b)(1)(C); that it was
3 part of this conspiracy that on numerous occasions during a
4 period beginning in at least as early as March of 2015 to in
5 or about April of 2015, Mr. Steele obtained fentanyl and
6 fentanyl acetyl analogue from suppliers in China.

7 It was also part of the conspiracy that Miss Robinson
8 assisted Mr. Steele in the distribution of fentanyl and
9 fentanyl acetyl analogue to various individuals in Akron,
10 Fairlawn, and other areas in the Northern District of Ohio.
11 And it was further part of the conspiracy that Mr. Steele
12 and Ms. Robinson supplied Mr. Sumlin with fentanyl for
13 redistribution in Akron and other areas in the Northern
14 District of Ohio, which is a violation of Title 21, U.S.
15 Code, Section 846.

16 So Mr. Steele, how do you plead to Count 1, sir?

17 DEFENDANT STEELE: Guilty.

18 THE COURT: And Ms. Robinson?

19 DEFENDANT ROBINSON: I'm guilty, Your Honor.

20 THE COURT: Okay. And Mr. Steele, on Count 2
21 it says, on or about March 21, 2015, in this district, that
22 you did unlawfully, knowingly, and intentionally distribute
23 a quantity of a mixture and substance containing a
24 detectable amount of acetyl fentanyl, a Schedule I
25 controlled substance analogue, as defined in Title 21, U.S.

1 Code Section 802(32), knowing that the substance was
2 intended for human consumption as provided in Title 21, U.S.
3 Code, Section 813, and death resulted from the use of such
4 substance, which is a violation of Title 21, U.S. Code,
5 Sections 841(a)(1) and (b)(1)(C), and Title 18, U.S.C.,
6 Section 2.

7 And how do you plead to Count 2?

8 DEFENDANT STEELE: Guilty, Your Honor.

9 THE COURT: Now, is the enhanced penalty still
10 involved in this?

11 MS. BARR: Yes, Your Honor. It's a 20-year
12 mandatory minimum he must be sentenced to.

13 THE COURT: And that is the agreed recommended
14 sentence?

15 MS. BARR: It is, Your Honor.

16 THE COURT: All allegations in Count 2 are
17 hereinafter re-alleged and incorporated by reference.

18 It is further alleged, on or about March 21, 2015, in
19 Akron, Ohio, a person whose identity is known to the Grand
20 Jury did fatally ingest and overdose on a controlled
21 substance, namely acetyl fentanyl analogue, which had been
22 distributed by Mr. Steele to him, to T.R.

23 And you agree with that, correct, Mr. Steele?

24 DEFENDANT STEELE: Yes, Your Honor.

25 THE COURT: I'm going to accept each one of

1 these guilty pleas. I'll find each one of you have
2 voluntarily pleaded guilty, and the guilty pleas were free
3 of any threats or coercion other than what we have discussed
4 here today.

5 And based upon what you have told me, what the lawyers
6 have said, and my review of the plea agreements and the
7 file, I'm going to find there is a factual basis to support
8 your entrance of these guilty pleas and my acceptance of
9 each one.

10 As you know, your case goes to the Probation
11 Department for the preparation of a presentence report.
12 Continue your honesty with the people in the Probation
13 Department, and we'll see you back here on April the 19th at
14 10:00. Okay?

15 Thank you.

16 MR. SPELLACY: Thank you, Your Honor.

17 MR. LONARDO: Thanks, Judge.

18 - - - - -

19 C E R T I F I C A T E

20 I certify that the foregoing is a correct transcript
21 from the record of proceedings in the above-entitled matter.

22
23 s/Heidi Blueskye Geizer March 12, 2018

24 Heidi Blueskye Geizer
25 Official Court Reporter

Date